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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,153	09/13/2000	Matthew A. Howard III	UIOWA-8PAD1	7887
34610	7590	06/13/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			WILLIAMS, CATHERINE SERKE	
			ART UNIT	PAPER NUMBER
			3763	
DATE MAILED: 06/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental

Notice of Allowability

Application No.

09/661,153

Applicant(s)

HOWARD III, MATTHEW A.

Examiner

Catherine S. Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 1/25/05.
2. ☒ The allowed claim(s) is/are 8-10, 12, 14, 15, 41-44, 52, 53, 56, 57, 59, 62-64, 67-73, 77-83, 85, 86, 88, 89, 91, 92 and 94-98.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/25/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

Claims 8-10,12,14-15,41-44,52-53,56-57,59,62-64,67-73,77-83,85-86,88-89,91-92 and 94-98 are allowed.

The following is an examiner's statement of reasons for allowance: the allowability of the independent claims is based on the combination of all the limitations within the respective claim.

Regarding claim 8, the prior art fails to teach a drug infusion assembly that includes, *inter alia*, a drug reservoir and pump that are capable of pumping a drug at a variable rate that can be controlled percutaneously.

Regarding claim 53, the prior art fails to teach a drug infusion device that includes, *inter alia*, at least one electrode configured to sense electrical activity of the hypothalamus where the pump is configured to communicate with the at least one electrode and supply the drug to at least one of the plurality of microinfusion catheters in accordance with the electrical activity of the hypothalamus.

Regarding the allowability of claims 63 and 88, see reasons for allowance in the Final Office Action dated 1/13/05.

Regarding claim 71, the prior art fails to teach a drug infusion device that includes, *inter alia*, a magnet configured to aid in the stereotactic placement of the macrocatheter, where the magnet comprises a magnetic collar disposed on the macrocatheter proximate to an end thereof.

Regarding claim 80, the prior art fails to teach the combination of a plurality of non-coaxially side-by-side microinfusion catheters where at least one has a plurality of drug delivery ports, a drug delivery manifold functionally coupled to each of the catheters, a drug supply line

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functionally coupled to the manifold, and a drug reservoir and pump functionally coupled to the line and including a recharge valve.

Regarding claim 82, the prior art fails to teach the combination of a plurality of non-coaxially side-by-side microinfusion catheters where at least one has a plurality of independently controlled drug delivery ports, a drug delivery manifold functionally coupled to each of the catheters, a drug supply line functionally coupled to the manifold, and a drug reservoir and pump functionally coupled to the line.

Regarding claim 83, the prior art fails to teach a drug infusion assembly that includes, *inter alia*, at least one microinfusion catheter configured to independently deliver a drug from each of the plurality of drug delivery ports based on information gathered from the monitoring electrodes.

Regarding the allowability of claim 85, see reasons for allowance in the Final Office Action dated 1/13/05.

Regarding claim 86, the prior art fails to teach a drug infusion assembly that includes, *inter alia*, a pump configured to communicate with at least one electrode and supply the drug to at least one of the plurality of microinfusion catheters in accordance with the electrical activity of the hypothalamus.

Regarding claim 89, the prior art fails to teach the combination of a macrocatheter including a magnet and a plurality of non-coaxially side-by-side microinfusion catheters where at least one is movable and includes a plurality of individually controllable drug delivery ports.

Regarding claim 92, the prior art fails to teach a drug infusion device that includes, *inter alia*, a pump that can be controlled percutaneously.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 571-272-4970. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine S. Williams
June 7, 2006

CATHERINE S. WILLIAMS
PRIMARY EXAMINER